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he had left the state of Illinois after the statute of limitations had barred criminal prosecution in that state, and that consequently he had not "fled" and was not "a fugitive from justice" within the meaning of the constitutional and statutory provisions relating to interstate extradition. *Held,* that the defense of the statute of limitations could not be entertained on *habeas corpus* proceedings and that the petitioner was properly remanded to custody for extradition. *Biddinger v. Commissioner of Police* (1917) 38 Sup. Ct. 41.

On the precise point there appear to be few authorities, although the general principle has long been established that when the papers from the demanding state are in proper form, the only evidence admissible on the *habeas corpus* hearing is evidence tending to prove that the accused was not in the demanding state at the time the crime is alleged to have been committed.

INTERNATIONAL LAW—ADMIRALTY JURISDICTION—PUBLIC VESSEL OF FOREIGN POWER.—A libel was filed against an Argentine naval transport, whose officers and crew were enrolled in the Argentine navy. The libel was based upon collision with a scow while the naval vessel was engaged in transporting a cargo of general merchandise for the benefit of the Argentine Republic and as an incident to a proposed return voyage with coal and ammunition for the account of that government. *Held,* that the ship could not be libeled, it being a public vessel of a foreign government and under its control, custody and operation. *The Pampa* (1917, E. D. N. Y.) 245 Fed. 137.

This decision is in line with the decided weight of authority. *The Parlement Belge* (1880) 5 P. D. 197; *The Exchange* (1812, U. S.) 7 Cranch 116; *The Attualita* (1916, C. C. A. 4th) 238 Fed. 909, 911. On a question indirectly related, namely the immunity of diplomatic officers, see COMMENTS, p. 392.

INTERSTATE COMMERCE—FEDERAL EMPLOYERS' LIABILITY ACT—CROSSING FLAGMAN.—A crossing flagman, engaged in flagging on a railroad where interstate and intrastate trains were operated, was struck by an interstate train. He sued under the New Jersey Workmen's Compensation Act. *Held,* that the plaintiff was engaged in interstate commerce and that the federal Employers' Liability Act excluded compensation under the state Act. *Flynn v. New York, S. & W. R. R. Co.* (1917, N. J. Sup. Ct.) 101 Atl. 1034.

The court states that no federal case has been found which passes upon the question whether a crossing flagman is engaged in interstate commerce. On the other point, that the federal act is exclusive when the injured employee is engaged in interstate commerce, the recent Supreme Court decision is conclusive. *New York Cent. R. R. Co. v. Winfield* (1917) 244 U. S. 147, 37 Sup. Ct. 546. See (1917) 27 YALE LAW JOURNAL 135; (1916) 25 *ibid.* 497.

JURY—QUALIFICATIONS OF GRAND JURORS—WOMEN INELIGIBLE.—The defendant moved to set aside an indictment against him on the ground that the grand jury which found it was composed of women as well as men. The California Code, Sec. 192, defined the grand jury as "a body of men." Section 7 of the Penal Code provided that "words used in the masculine gender include the feminine." *Held,* that women were incompetent to sit on the grand jury and that the indictment must be set aside. *People v. Lensen* (1917, Cal. App.) 167 Pac. 406.

No other case on the precise point has been found. A recent California statute settles the controversy for the future in favor of the women. St. 1917, p. 1282.